

FILED
Clerk
District Court

JUL 19 2007

For The Northern Mariana Islands
By _____
(Deputy Clerk)

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7 Attorney's for United States of America

8 **IN THE UNITED STATES DISTRICT COURT**

9 **FOR THE NORTHERN MARIANA ISLANDS**

10 **UNITED STATES OF AMERICA,**

11 **Plaintiff,**

12 **vs.**

13 **FRANCISCA S. BARCINAS,**

14 **Defendant,**

15 **COMMUNITY ALTERNATIVES**
16 **KENTUCKY, INC.,**

17 **Garnishee.**

CIVIL CASE NO. 99-0024

WRIT OF CONTINUING
GARNISHMENT; INSTRUCTIONS
TO THE GARNISHEE

19 **WRIT OF CONTINUING GARNISHMENT**

20 **GREETINGS TO:** Community Alternatives Kentucky, Inc.
21 Payroll Account
10140 Linn Station Rd.
22 Louisville, KY 40223

23 An application for a Writ of Continuing Garnishment against the property of Defendant-
24 Judgment Debtor FRANCISCA S. BARCAS, Social Security Number XXX-XX-8973, whose
25 last known address is: Radcliff, KY 40160, (hereinafter "Debtor"), has been filed with this
26 Court. A judgment in a civil case was entered against the Debtor on July 15, 1999 and the
27 amount due totals \$3,689.96, as of July 13, 2007. (\$3,680.59 principal + \$9.37 int. to
28 07-13-2007).

1 You are required by law to answer in writing, under oath, and within ten (10), after
2 receipt of this writ, the following information: (1) Whether or not you have in your custody,
3 control or possession, any property or money owned by the Debtor, including nonexempt,
4 disposable earnings; (2) A description of such property and the value of the property; (3) A
5 description of any previous garnishment to which such property is subject and the extent to
6 which any remaining property is not exempt; and (4) The amount of the debt you anticipate
7 owing to the Debtor in the future and whether the period for payment will be weekly or another
8 specified period.

9 **You are also required by law to withhold and retain any property or money of the**
10 **defendant you have in your custody, control or possession, including wages, salary or**
11 **commissions, or if you obtain custody, control or possession until you receive instructions**
12 **from the Court which will tell you what to do with the property and which will notify you**
13 **when this Writ is no longer in effect. The United States requests that the sum of 25% of**
14 **the defendant's monthly non-exempt disposable earnings be withheld from the defendant's**
15 **earnings.**

16 You must file the original written answer to this writ within ten (10) days of your receipt
17 of this writ with the United States District Clerk at: U.S. District Court for the NMI, 2nd Floor,
18 Horiguchi Building, Garapan, P.O. Box 500687, Saipan, MP 96950. YOU MUST ANSWER
19 THE WRIT EVEN IF YOU DO NOT HAVE IN YOUR CUSTODY, CONTROL OR
20 POSSESSION ANY PROPERTY OF THE DEFENDANT. Additionally, you are required by
21 law to serve a copy of this answer upon the debtor at: Radcliff, KY 40160 and upon the United
22 States Attorney at: U.S. Attorney's Office, Attn.: Marivic P. David, Assistant U.S. Attorney,
23 Sirena Plaza, Suite 500, 108 Hernan Cortez Avenue, Hagåtña, Guam 96910.

24 Under the law, there is property which is exempt from this Writ of Garnishment.
25 Property which is exempt and which is not subject to this order is listed on the attached Claim
26 for Exemption form, which the debtor must sign and return if she is claiming any exemptions.

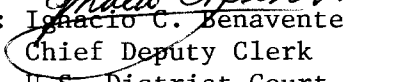
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1 If you fail to answer this writ or withhold property in accordance with this writ, the
2 United States of America may petition the Court for an order requiring you to appear before the
3 Court to answer the writ and to so withhold the property before the appearance date. If you fail
4 to appear or do appear and fail to show good cause why you failed to comply with this writ, the
5 Court may enter a judgment against you for the value of the Debtor's non-exempt interest in such
6 property (including nonexempt disposable earnings). The Court may also award a reasonable
7 attorney's fee to the United States and against you if the writ is not answered within the time
8 specified herein and if the United States files a petition requiring you to appear. **It is unlawful**
9 **to pay or deliver to the Debtor any item attached by this writ.**

10 DATED July 19, 2007, Saipan, MP.
11
12

13 _____
14 GALO L. PEREZ
15 Clerk of Court
16 District Court for the Northern
17 Mariana Islands

18 BY: 
19 Ignacio C. Benavente
20 Chief Deputy Clerk
21 U.S. District Court
22 Northern Mariana Islands
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1 TO: Community Alternatives Kentucky, Inc.
2 Payroll Account
3 10140 Linn Station Rd.
4 Louisville, KY 40223

5 Please read the following instructions regarding the steps you must take to comply with
6 this Writ. For additional information, you may want to contact your attorney or the attorney for
7 the United States identified in Paragraph 6.

8 **INSTRUCTIONS TO THE GARNISHEE**

9 1. The name, last known address and Social Security Number of the person who is
10 the defendant in this action and whose property is subject to this Writ is:

11 FRANCISCA S. BARCINAS
12 Radcliff, KY 40160
13 SSN# XXX-XX-8973

14 2. This Writ has been issued at the request of the United States of America to
15 enforce the collection of a civil judgment entered in favor of the United States against the
16 defendant. The amount of the judgment as of July 13, 2007 is \$3,689.96. (\$3,680.59 principal
17 + \$9.37 int. to 07-13-2007).

18 3. If you have in your custody, control or possession any property or money of the
19 defendant, including wages, salary or commissions, or if you obtain custody, control or
20 possession of such property while this Writ is in effect, you must immediately withhold the
21 property from the defendant and retain it in your possession until you receive instructions from
22 the Court which will tell you what to do with the property and which will notify you when this
23 Writ is no longer in effect. The United States requests that the sum of 25% of the defendant's
24 monthly non-exempt disposable earnings be withheld from the defendant's earnings.

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1 4. You are required to answer this Writ within 10 days after the service of the Writ
2 upon you. YOU MUST ANSWER THE WRIT EVEN IF YOU DO NOT HAVE IN YOUR
3 CUSTODY, CONTROL OR POSSESSION ANY PROPERTY OF THE DEFENDANT. Your
4 Answer must state, under oath, the following information:

- 5 a. whether you have custody, control or possession of money
6 or earnings of the defendant;
7 b. a description of the money or earnings and amount;
8 c. a description of any other garnishments, suggestions or
9 levies to which the earnings are subject and the extent to
10 which any remaining earnings are exempt from
11 garnishment, suggestion or levy;
12 d. the amount of any earnings you anticipate owing the
13 defendant in the future and the date on which payment will
14 be made; and
15 e. a description of any earnings you anticipate will come into
16 your custody, control or possession and the dates on which
17 such custody, control, or possession will occur.

18 5. After you complete the answer under oath, you must mail or deliver an answer
19 bearing the original signature plus one copy of the person preparing the answer to:

20 Clerk, United States District Court for the NMI
21 2nd Floor, Horiguchi Building
22 P.O. Box 500687
23 Saipan, MP 96950

24 At the same time you mail or deliver the answer to the Clerk, you must also mail or
25 deliver copies of the answer to:

26 Marivic P. David
27 Assistant U.S. Attorney
28 U.S. Attorney's Office
 Attn.: Financial Litigation Unit
 Sirena Plaza, Suite 500
 108 Hernan Cortez Avenue
 Hagåtña, Guam 96910

1 FRANCISCA S. BARCINAS
2 Radcliff, KY 40160

3
4 6. If you have any questions, you should contact your attorney. You may also
5 contact a representative of the United States at the following address and telephone number:

6 Marie Chenery
7 Financial Litigation Unit
8 Sirena Plaza, Suite 500
9 108 Hernan Cortez Avenue
10 Hagåtña, Guam 96910
11 (671) 472-7332, ext. 122
12 FAX: (671) 472-7215

13 7. IF YOU FAIL TO ANSWER THIS WRIT OR TO WITHHOLD PROPERTY IN
14 ACCORDANCE WITH THE WRIT, THE UNITED STATES MAY PETITION THE COURT
15 FOR AN ORDER REQUIRING YOU TO APPEAR BEFORE THE COURT TO ANSWER
16 THIS WRIT AND TO SO WITHHOLD PROPERTY BEFORE THE APPEARANCE DATE.

17 IF YOU FAIL TO APPEAR, OR YOU APPEAR AND FAIL TO SHOW GOOD
18 CAUSE WHY YOU FAILED TO COMPLY WITH THIS WRIT, THE COURT WILL ENTER
19 JUDGMENT AGAINST YOU FOR THE VALUE OF THE DEBTORS'S NONEXEMPT
20 INTEREST IN SUCH PROPERTY (INCLUDING NONEXEMPT DISPOSABLE EARNINGS).

21 THE COURT MAY ALSO AWARD A REASONABLE ATTORNEY'S FEE TO
22 THE UNITED STATES AND AGAINST YOU IF THE WRIT IS NOT ANSWERED WITHIN
23 THE TIME SPECIFIED HEREIN AND IF THE UNITED STATE FILES A PETITION
24 REQUIRING YOU TO APPEAR.
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CLAIM FOR EXEMPTION FORMMAJOR EXEMPTIONS UNDER FEDERAL LAW

I claim that the exemption(s) from garnishment which are checked below apply in this case:

- ___ 1. Social Security benefits and Supplemental Security income (42 U.S.C. § 407).
- ___ 2. Veterans benefits (38 U.S.C. § 3101).
- ___ 2a. Members of armed services (10 U.S.C. § 1440, 38 U.S.C. § 562).
- ___ 3. Federal Civil Service Retirement benefits (5 U.S.C. § 8346 and 22 U.S.C. § 4060(c)).
- ___ 4. Annuities to survivors of federal judges (28 U.S.C. § 376(n)).
- ___ 5. Longshoremen and Harborworkers Compensation Act (33 U.S.C. § 916).
- ___ 6. Black lung benefits (30 U.S.C. §§ 931(b)(2)(F) and 932(a)).
- ___ 6a. Seaman's master's or fisherman's wages, except for child support or spousal support and maintenance (46 U.S.C.A. §§ 1108-1109(a-c)).

Exemptions listed under 1 through 6a above may not be applicable in child support and alimony cases (42 U.S.C. § 659).

- ___ 6b. Railroad retirement, pension, unemployment benefits (45 U.S.C. §§ 231(m), 352(e)).
- ___ 7. **Bankruptcy Code** (Title 11, U.S.C. § 522) generally provides exemptions for:
- ___ 7a. \$20,200.00 in equity in a residence.

<u>Address of Residence</u>	<u>Fair Market Value</u>	<u>Liens</u>	<u>Equity</u>
_____	\$ _____	\$ _____	\$ _____
_____	\$ _____	\$ _____	\$ _____

- ___ 7b. \$3,225.00 in equity in a motor vehicle.

Property Claimed: _____
Fair market Value \$ _____

- ___ 7c. \$1,350.00 in jewelry.

Property Claimed: _____
Fair market Value \$ _____

- ___ 7d. \$10,775.00 in personal property. (However, no single item worth more than \$525.00 can be exempt.)

Property Claimed: _____
Fair market Value \$ _____

- ___ 7e. \$1,075.00 in property, plus up to \$10,125.00 of any unused amount of the exemption provided in number 7(a) above.
- Property Claimed: _____
Fair market Value \$ _____
- ___ 7f. \$2,025.00 in equity in any implements, professional books, or tools, of the trade of the debtor or the trade of a dependent of the debtor.
- Property Claimed: _____
Fair market Value \$ _____
- ___ 7g. Any unmatured life insurance contract the debtor owns, other than credit life insurance.
- Property Claimed: _____
Fair market Value \$ _____
- ___ 7h. The aggregate value, up to \$10,775.00, of any accrued dividend or interest under, or loan value of, any unmatured life insurance contract the debtor owns, but only if the debtor is the insured or the debtor is a dependant of the insured.
- Property Claimed: _____
Fair market Value \$ _____
- ___ 7i. Professional prescribed health aids for the debtor or the debtor's dependants.
- Property Claimed: _____
Fair market Value \$ _____
- ___ 7j. Unemployment compensation benefits, local public assistance benefits, disability benefits, illness benefits; and alimony, support and separate maintenance, to the extent these items are reasonably necessary for your support or the support of you dependants.
- Property Claimed: _____
Fair market Value \$ _____
- ___ 7k. A payment under a stock bonus, pension, profit-sharing, annuity, or similar plan or contract on account of illness, disability, death, age or length of service, to the extent reasonably necessary for the debtor's support or the support of the debtor's dependants, subject to the limitations set forth at Title 11 United States Code Section 522(d)(10)(E)(i)-(iii).
- Property Claimed: _____
Fair market Value \$ _____

- ___ 7l. The debtor's right to receive, or property that is traceable to:
- an award under a crime victim's reparation law;
 - a payment on account of the wrongful death of an individual of whom the debtor was a dependant, but only to the extent reasonably necessary for the debtor's support or the support of the debtor's dependants;
 - a payment under a life insurance contract that the insured the life of an individual of whom the debtor was a dependent on the date of such individual's death, but only to the extent reasonably necessary for the debtor's support or the support of the debtor's dependants;
 - a payment, not to exceed \$20,200.00, on account of personal bodily injury suffered by the debtor or by an individual of whom the debtor is a dependant; however, payment for pain and suffering or payment to compensate actual pecuniary loss are not exempt under this paragraph;
 - a payment in compensation of loss of the debtor's future earnings or the future earnings of an individual of whom the debtor is, or was, a dependant, but only to the extent reasonably necessary for the debtor's support or the support of the debtor's dependants.

Property Claimed: _____
 Fair market Value \$ _____

- ___ 8. Compensation for war risk hazards (42 U.S.C. § 1717).

NOTE: If you have selected the Bankruptcy Code exemptions (Line 7 above), you may not also claim the exemptions listed below.

**MAJOR EXEMPTIONS UNDER THE COMMONWEALTH OF THE
NORTHERN MARIANA ISLANDS LAW**

NOTE: If you select the exemptions available under commonwealth law, the law of the commonwealth where you have been domiciled for the greater part of the last 180 days governs your rights.

Relevant provisions of the Commonwealth of the Marianas Code Title 7, Div. 4 § 4210 allow the following exemptions:

___ 9. **Debtor's Homestead**

<u>Address of Residence</u>	<u>Fair Market Value</u>	<u>Liens</u>	<u>Equity</u>
_____	\$ _____	\$ _____	\$ _____
_____	\$ _____	\$ _____	\$ _____

- ___ 10. **Personal Property** - All necessary household furniture, cooking and eating utensils, and all necessary wearing apparel, bedding and provision for household use sufficient for four months.

Property Claimed: _____	Fair Market Value
_____	\$ _____
_____	\$ _____

- ____ 11. **Necessities for Trade or Occupation** - All tools, implements, utensils, two work animals, and equipment necessary to enable the person against whom the attachment or execution is issued to carry on his or her usual occupation.

Property Claimed:

Fair Market Value

\$ _____
\$ _____

- ____ 12. **Land and interest in Land** - All interests in land, but any interest owned solely by a judgment debtor, in his or her own right, may be ordered sold or transferred under order in aid of judgment if the Court making the order deems that justice so requires and finds as a fact that after the sale or transfer, the debtor will have sufficient land remaining to support himself or herself and those persons directly dependent on the debtor according to recognized local custom and the law of the Commonwealth. No person not of Northern Marianas descent may acquire any interest to such land, by sale, transfer, or otherwise, except as otherwise provided by law.

Amount Claimed: \$ _____

The statements made in this claim of entitlement to exemptions and the fair market value of the property designated are made and declared under penalty of perjury that they are true and correct.

Date

Signature of Defendant

Defendant's printed or typed name